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THE EXECUTION OF THE DUC D'ENGHIEN

II.

ON March 12, two days after he had ordered the Duc d'Enghien to be seized, the First Consul retired to the quiet and seclusion of Malmaison to unravel without interruption the last threads of the plot against his life, and to direct at the same time from a little distance the vengeance which he was determined to take upon all those whom he imagined connected with it. It was there, as we have seen, that he received the courier, Thibaud, announcing that the arrest was about to be made, and in reply sent orders that Enghien and Dumouriez were to be brought to Paris at once. It was from Malmaison also that he wrote the letter to Réal which has been cited above,¹ in which he told him to inquire of the commandant of Vincennes whether there was room to lock up the prisoners in that castle. This letter to Réal proves that already on March 15, even before he had heard that the Duc had actually been arrested, Bonaparte had made up his mind to send him to Vincennes instead of to the Temple, where Moreau and Georges were, and where state prisoners were ordinarily confined. He had further made up his mind, and this is the heaviest charge against Bonaparte and the one for which history will censure him most severely, that the Duc d'Enghien should not have the fair, open trial at Paris which justice and the law naturally accorded to a man accused of political conspiracy. Instead he was secretly handed over to a court-martial on the very night of his arrival in Paris, given a trial which outraged the name of justice, and sent to his death at once. Why did Bonaparte thus basely deny to the Duc d'Enghien the fair trial which was granted to Georges and his comrades? Because he knew Georges was a guilty man and would justly be convicted in a fair trial, but did not feel that the same was true of the Duc. There were many reasons which made him regard it as doubtful whether the regular tribunal at Paris could be induced to convict him. The violation of the electoral territory would furnish the Duc's advocates with an easy and strong line of defence, which would be backed up by the foreign diplomatic agents. Then again, as Cambacérès had

¹ Bonaparte to Réal, March 15, *supra*, Vol. III., pp. 639, 640.

suggested, public opinion in Paris, always fickle and uncertain, might turn in the Duc's favor and prevent his being put to death. A few days later Bonaparte publicly declared: "I ordered the prompt trial and execution of the Duc d'Enghien in order that the émigrés who had returned to Paris, and who in their hearts might have favored a change in favor of the Bourbons, might not be led into temptation. I feared that the long delays of a trial and the solemnity of condemnation might revive sentiments they could not have refrained from exhibiting, and I should have been obliged to hand them over to the Police"¹—very kind and thoughtful, to be sure, on the part of the First Consul. He further feared, especially after he had read the Duc's papers and saw how little there really was in them to convict him, that the regular course of justice, with its slow and measured procedure, which fairly examined and weighed all evidence, would never sentence the Duc to death.

If his victim escaped from his hands after all, he would have already violated international law to no purpose; he would have given the Bourbons and their followers a triumph; and—a point on which he was always sensitive—he would have made a false step and exposed himself to the censure of Paris and the ridicule of Europe. This was the reason for which he had determined to send the Duc before a court-martial of military officers. This tribunal owed its origin to terrible times, having been fashioned by the Convention to execute its vengeance. Its judgments were executed within twenty-four hours; there was no appeal from them. There was little likelihood that the Duc d'Enghien would leave its clutches unharmed. The diplomatic agents would not intervene and protest, nor could public opinion be roused to save the unhappy man, for he would be executed before the public knew anything about it. The blow would be startling at first, but it would live in the imagination of men for a long time as a warning.

As early as March 16 Bonaparte had consulted with Murat as to the composition of the military court which was to sit at Vincennes and try the Duc d'Enghien and Dumouriez.² For he was still of the opinion that Dumouriez was undoubtedly at Ettenheim, and he naturally continued to think so until Saturday, March 17, and even the greater part of that day, until the arrival late in the afternoon of the courier from Strasburg bearing the series of reports from Caulaincourt, Ordener, and Charlot, telling in detail of the success of the expeditions to Ettenheim and Offenbourg. From these numerous reports it became certain that the Marquis de Thumery

¹ Miot de Mérito, *Mémoires*, II. 156-7 (Paris, 1858).

² Boulay de la Meurthe, p. 210.

had occasioned the mistake about Dumouriez's name. This gross blunder must have caused the First Consul some chagrin and surprise, but it would be a great mistake to suppose that his convictions with regard to the Duc were at all disconcerted or shaken. The Duc d'Enghien still appeared to him to be a man of the sort of which he had already determined him to be—young, bold, and injudicious; just the man to take part in a conspiracy and lead an invasion of France. In Charlot's report Bonaparte read that it had only been the coolness of one of his companions that prevented the Duc from shooting Charlot. According to the same information the Duc's opinions were not less violent than his acts: "The Duc d'Enghien esteems Bonaparte as a great man; but being a prince of the Bourbon family, he has vowed an implacable hatred to him, as well as to the French, against whom he will make war on all occasions."¹ A man who used such language as this, thought Bonaparte, ought not to be left at large if it could be helped. Though the supposed presence of Dumouriez at Ettenheim had contributed largely to bring about the arrest of the Duc, yet on the other hand the proven absence of Dumouriez did not in Bonaparte's mind in any way establish the innocence of the Duc, and he must suffer.

It was in this frame of mind that the First Consul heard mass at the Tuileries on Passion Sunday² and then returned to Malmaison. Josephine, being in a separate carriage with Madame de Rémusat, her lady in waiting, was uneasy, and finally confided to her companion the cause of her unhappiness: Bonaparte had just told her that the Duc d'Enghien had been seized on the frontier and was being brought to Paris to be tried. "I have done what I could," she continued, "to induce him to promise me that the Prince's life shall not be taken, but I fear his mind is made up."³ This is still one more piece of evidence tending to show that Bonaparte had from the first formed the irrevocable decision to put the Duc to death.

The remainder of Sunday at Malmaison passed quietly. Early the next morning, or possibly very late the same night, a third courier arrived from Strasburg, bringing to Bonaparte the Duc's papers and the *procès-verbal* of their opening and examination by Charlot and Popp; these were the papers which had been despatched Saturday afternoon from Strasburg. Without summoning Réal or any other minister to help him, Bonaparte set himself to

¹ Charlot's report, *Catastrophe du Duc d'Enghien*, p. 232.

² He had come from Malmaison to Paris on Saturday to transact business; it was at the Tuileries that the courier who brought Charlot's report and the other news from Strasburg found him.

³ Rémusat, *Mém.*, I. 312 (Paris, 1880).

work to look over the papers. His eyes fell finally upon a draught of the note which the Duc had sent to Mr. Stuart to deliver to the English government two months before. It laid bare the plans of the Prince and bore witness to his obstinate and persistent desire to fight against the First Consul under the English flag. Two phrases especially impressed themselves upon the indignant mind of the First Consul ; that in which the Duc called the French people "his most cruel enemy," and that in which he declared that "a residence of two years near the frontier had given him an opportunity to communicate with the troops that were on the Rhine."¹ What was Bonaparte to think of such sentiments, and this apparent tampering with the loyalty of French troops? Then there were not a few eager offers of service from men who had already served in the Army of Condé or other old companions of the Duc, for his circular letter reporting England's announcement that their pensions were to be doubled had given rise to a renewed activity in their correspondence. There were letters of this kind from Alsace, from Switzerland, and even from Holland, full of plans and advice, often wrongheaded, to be sure, and often incomprehensible, but nevertheless containing much that a prejudiced mind could easily imagine to be treasonable. Though he did not find anything to show that the Duc knew of the Cadoudal conspiracy or had any connection with Dumouriez, he probably reasoned that it made no difference to him whether the Duc knew of the plot or not, so long as he persisted in waiting upon the frontier of France for a favorable opportunity to invade Alsace, such as the assassination of the First Consul would afford. As the conspiracy had been known to the public now for more than a month, the Duc could not have been ignorant of it ; why did he still remain within three leagues of France, when he must have known that it was not safe after all that had been discovered, unless he were about to lead a hostile force into Alsace or create a rebellion there? Reasoning in this way, and allowing his prejudiced mind to be influenced by apparent facts without fairly weighing both sides of the evidence, Bonaparte may have tried to satisfy his conscience that his already fixed opinion of the Duc's guilt was confirmed by the Duc's own papers, and that he ought to be put to death.

¹ Rereading the Duc's letter (*supra*, Vol. III., p. 623), it will be seen that these are not the exact phrases that he used, though the meaning is equivalent ; they are the phrases that Bonaparte used in the set of questions which he prepared for Réal to ask the Duc (*infra*, pp. 33, 34). We cannot know in most cases exactly what Bonaparte found in the Duc's papers, for they have all disappeared ; but we may have some idea of what it was, for this set of questions, which Bonaparte surely did not make up out of his own head, must have been partly at least suggested to him by what he found in the Duc's papers. We know exactly what was in the note to Stuart, because it is in the Austrian Record Office.

As a matter of fact there was nothing in all these papers that could justify the Duc's seizure in a neutral territory and his subsequent condemnation and execution. Not only was there no proof of complicity in a plot, but there was the Duc's categorical denial of such complicity,—he had no other intentions than to serve in war and make war. Charlot, who examined the papers at Strasburg, affirmed to Ségur that in all the Duc's correspondence he saw no traces of any connivance with the plot at Paris; he found nothing more than the proof of a gathering of émigrés on the right bank of the Rhine and communications held with the left bank.¹ The Duc's plans reached back for more than two years, long before the conspiracy of Georges; they followed the progress of the war and not of the conspiracy; there had been no definite preparation of money nor arms, nor any regular organization of troops which could at all threaten the safety of the state or the First Consul. That there was really no evidence against the Duc that could justly condemn him must have been recognized by Bonaparte on March 19 after the examination of the papers, although, as has just been said, he may have tried to convince his conscience, and always afterwards asserted in public, that in executing the Duc d'Enghien he was executing a guilty conspirator. The proof of this is that he did not send any of these papers, not even the *procès-verbal* of the opening of the papers, to the court-martial as evidence for the use of the judges; for he knew that they would not, in all probability, be so shameless and grossly unjust as to condemn a man to death when they saw that there was nothing in his papers to convict him. What did Bonaparte do with these papers, which, if made public, would show the people of France that the Duc d'Enghien did not merit death at all, but at the very worst only detention as a hostage till peace was made? He sent them to Réal and told him and Desmarêts to keep them in absolute secrecy, and not let the slightest news of what they contained be made public.² Réal obeyed his master so well that they never saw the light afterwards; the judges at the trial did not know of their existence. To have sent them the papers would have given rise to debates and would have necessitated the presence of a defending lawyer and witnesses. All this would have caused delay and endangered the sentence of condemnation. This fear of delay and openness, and Bonaparte's knowledge that there was nothing very incriminating in the Duc's papers, explains why they were kept

¹ Ségur, *Mém.*, II. 258.

² “ . . . Je vous recommande de prendre en secret avec Desmarêts connaissance de ces papiers. Il faut empêcher qu'il ne soit tenu aucun propos sur le plus ou moins de charges que contiennent ces papiers. . . .” Bonaparte to Réal, March 19; *Corr. de Nap.*, 7631.

secret instead of being sent to the persons who ought to have had them.

On Tuesday morning, March 20, as the Duc d'Enghien was drawing near Paris, Bonaparte drove from Malmaison to the Tuileries, as his habit often was, in order more easily to attend to affairs of state. Having already made up his mind on March 15 to send the Duc to Vincennes and on March 16 to have him tried by a court-martial, he now dictated in a Council of State the following decree :

"*Article I.* The *ci-devant* Duc d'Enghien, accused of having borne arms against the Republic ; of having been, and still being, in the pay of England ; and of taking part in the plots woven by this latter power against the interior and exterior safety of the Republic, is to be brought before a court-martial composed of seven members named by the Governor of Paris and sitting at Vincennes.

"*Article II.* The Grand Judge, the Minister of War, and the Governor of Paris are charged with the execution of the present decree."

" BONAPARTE." ¹

In accordance with this decree Murat, Governor of Paris, chose the seven members of the court-martial : Bazancourt, Ravier, Barrois, Rabbe, Guiton, colonels of regiments garrisoned in Paris ; and, in addition to these five, General Hulin, an ardent patriot who had assisted at the taking of the Bastille, was chosen to act as president of the court-martial, and Dautancourt, major of gendarmes, as judge-advocate (*capitaine-rapporteur*). These seven men, in order that everything concerning the Duc might be done as secretly as possible and no rumors get abroad before the deed was completed, did not receive notice from the Minister of War to go to Murat's house till late in the afternoon. They came immediately one by one to Murat, and each was told that he was to form part of a court-martial, "which is to meet as soon as possible at Vincennes, to judge there, without leaving the spot, an accused man on the charges given in a decree of the government, which will be sent to the president." ² They thereupon betook themselves separately to Vincennes, each wondering who the accused might be, but with not the faintest idea that it was a Bourbon prince.

On Tuesday afternoon about five o'clock, that is, just after he had received notice that the Duc was at the barrier of Paris, Bona-

¹ *Archives nationales*, AF^{IV} 915 (quoted by Welschinger, p. 313).

² " . . . Cette commission se réunira sur-le-champ au château de Vincennes, pour y juger, *sans désenparer*, le prévenu sur les charges énoncées dans l'arrêté du gouvernement, dont copie sera mise au président.—J. Murat."—Nougarede, II. 93 ; *Catastrophe du Duc d'Enghien*, p. 93.

parte sent for Savary, who had just returned from Biville in Normandy, and told him that he was to take a brigade of troops from Paris to Vincennes, guard the place, and execute the decision of the court-martial which he would find there. But as Murat was governor of Paris and of the troops stationed there, Savary was also given a letter from the First Consul, which he was to deliver to Murat. Murat read the letter and may have given Savary some further directions about the troops of which he was to have charge.¹ Bonaparte had chosen Savary for this mission because he knew of his devotion to himself, and because he knew that he would have no scruples in executing the decision of the court-martial without delay. Savary arrived at Vincennes about eight o'clock in the evening, and, having stationed his troops around the chateau, saw the seven members of the court-martial arrive separately. By eleven o'clock these eight men had gathered around the fire in Harel's room; with them was Brunet, Murat's aide-de-camp, who had just arrived with the government's decree of accusation. Everything being now ready, Major Dautancourt went into the next room, where the Duc d'Enghien was sleeping soundly, and waked him for a preliminary examination.

It has often been supposed that Bonaparte intended that Réal, who had seen the Duc's papers and was fully acquainted with the whole affair, should be present at the trial and guide the judge-advocate, Dautancourt, in his work;² for Réal knew something

¹ Savary, in 1823, actuated by a feeling of spite and a desire to heap calumny on every one else who had been in any way connected with the Enghien affair, in order to draw attention away from his own share in the matter, accuses Murat of having given him the orders about taking the troops to Vincennes, in accordance with the directions just received in the letter from Bonaparte. He says that he did not even know, when he left Malmaison, that the Duc had been seized, nor what was contained in the letter of which he was the bearer. But Pasquier (I. 204 *seq.*) and the recently published notes of the Comte de Mosbourg in *Murat, Lieutenant de l'Empereur en Espagne* (Paris, 1897), pp. 437-445, leave no doubt that Savary, as his whole later conduct tends to show, was carrying out the will of his master, the First Consul, and had got his orders from him and not merely from Murat. He probably knew, too, the contents of the letter, which Pasquier (p. 204) says contained "the most formal orders not only to have the Duc tried and sentenced, but not to suffer any delay to occur in his execution and to anticipate all preparations." It was only in consequence of this second peremptory order from Bonaparte that Murat was finally forced to give the order for the assembly of the military commission to sit at Vincennes and judge the prisoner "*sans désespérer*." For on that same Tuesday morning, when the first message came to him about eleven o'clock from Bonaparte asking him to appoint the men for the military commission, he indignantly refused, exclaiming, "What! are they trying to soil my uniform! I will not tolerate such a thing. Let him [Bonaparte] appoint them himself if he wants to." Bonaparte accordingly did so. Pasquier, I. 206; also completely confirmed in detail by Comte de Mosbourg's note.

² As a civilian Réal could have taken no formal part in the proceedings of a court-martial; but he could, of course, have been present and made suggestions to Dautancourt.

about legal forms, while Dautancourt did not, and Réal knew the points which might best be brought up against the accused. This question is discussed below ; for the present it is enough to say that Réal was not at Vincennes, and Dautancourt was left to blunder along as best he could. The only two documents that he had to guide him in interrogating the Duc were (1) Murat's order that the court-martial should try the accused without leaving the spot, and (2) the decree of the government which charged the Duc with three things ; with having borne arms against the Republic, with being in the pay of England, and with taking part in the Cadoudal conspiracy.¹ The judge-advocate considered this decree as his guide, and contented himself with asking the Duc some needless questions on these three points, which were answered frankly and explicitly by the Duc. That he was an émigré and had fought in the Army of Condé was a fact well known to Dautancourt and all who were acquainted with the revolutionary wars. In answer to the second charge the Duc said he did receive money from England, but it was as a pension, which was given him as his only means of support, and not as wages for serving England in war. Lastly, he disdainfully repudiated the idea that he could have had anything to do with a conspiracy. He declared that he had never seen Pichegru nor Dnmouriez, nor had the slightest relations with them ; he was glad that he had not, if it was true that they had used the vile means which were reported. He said that he corresponded with his father and grandfather in England and with some old friends in France, not on political projects, but solely on personal matters.² The judge-advocate, thinking that he had asked enough for form's sake, requested the Duc to sign the *procès-verbal* of the answers he had just given, for by French law his own evidence is read to the accused and he signifies his admission that it is correctly reported by signing the document. The Duc wrote :

“ Before signing this *procès-verbal*, I earnestly request that I may have an interview with the First Consul. My name, my rank,

¹ It will be remembered that Bonaparte had told Réal to suppress the Duc's papers. A contemporary account of the proceedings says that Hulin “ had the prisoner led in free and without handcuffs, and ordered the judge-advocate to read the documents both in favor of and against the accused, *to the number of one*.” This one document was the decree of the government. (*Catastrophe du Duc d'Enghien*, p. 100 ; also Welschinger, 325.) Savary also admits (*Mémoires*, II. 394) that Hulin could produce only one document, the decree of the government, against the Duc ; but that this was all that was necessary ; more or less evidence would have made no difference in the result, because Hulin, when chosen president of the commission, was given to understand that the accused must be condemned.

² Dupin's pamphlet on the trial, printed in *Catastrophe du Duc d'Enghien* ; also Appendix V. of Scott's *Life of Napoleon*.

my way of thinking, and the horror of my situation, lead me to hope that he will not refuse my request.

“L. A. H. de Bourbon.”

When the interrogatory was thus completed, the prisoner was brought unshackled into the room where the court-martial was sitting ready to perpetrate an atrocious crime in the name of Justice.

It was a little after midnight. The light of a few flaring torches fell across the faces of the seven ministers of death. Brunet, Murat's aide-de-camp, stood at one side. Savary, like a vulture waiting for its prey, hovered ominously behind the chair of the president, eager to prevent any delay or hesitation on the part of the judges.

That the trial took place in the secrecy of night was in itself irregular. But this was by no means the only irregularity and injustice of the proceedings. By military law the prisoner was entitled to a copy of the charges, the services of a defending advocate, and sufficient time to prepare his defence ; all these necessary rights were denied him. There were no witnesses nor was there any evidence worthy of the name. Still worse, according to Hulin's own admission neither he nor any of the other members of the court knew anything about law and judicial procedure ; they owed their position merely to what they had done on the field of battle ; they had not “*la moindre notion en matière de jugemens.*”¹ The mockery of forms which now followed outrages the name of a judicial trial ; it consisted simply of a cross-examination of the Duc from his own answers to the interrogations just put to him by Dautancourt. He proudly repeated what he had already said, repudiating the charge of having directly or indirectly taken part in a plot to assassinate the First Consul ; he acknowledged that he had upheld the rights of his family, and said that a Condé could enter France only with arms in his hand. “My birth and my opinions will always make me the enemy of your government,” he added with such unnecessary boldness, inspired by a feeling of pride in his ancestors and complete confidence in his own innocence, that Hulin said warningly : “From the way you answer, you seem to be mistaken as to your real position ; take care ; this will become serious, and court-martials give judgments from which there is no appeal.” The Duc was silent for a moment ; then he raised his head and said, “I know it ; I ask only to have an interview with the First Consul.”²

The cross-examination concluded, the prisoner was led out

¹ Hulin's *Explications offertes aux hommes impartiaux*, in *Catastrophe du Duc d'Enghien*, p. 118.

² Hulin's *Explications*, p. 120.

again and the court deliberated in secret as to the sentence. One exceptional circumstance in the trial well justified delay; this was the request of the Duc for an interview with the First Consul. One of the judges, Barrois, was in favor of granting the request; but Hulin, who the evening before had had a long conference with Bonaparte,¹ and knew well that a sentence of death and a speedy execution were expected by him, was opposed to granting the request; the other judges also favored an immediate sentence in accordance with Murat's order that they were to complete their work "*sans désespérer.*" Savary was consulted, as knowing better than any one else the intentions of Bonaparte; he represented that such a delay would be "inopportune" and displeasing to the First Consul.² The hint was sufficient, and the judges decided that the Duc should be condemned to death without delay. It remained only to write the sentence. But this was no easy matter, for the main charge, that of complicity in the conspiracy, was not only unproved by any evidence, but was directly denied by the Duc's clear statement. In writing out the sentence, this idea of complicity in the plot had to be omitted, and the judges, taking the Duc's answer as a basis, tried to draw up a sentence which could fit the facts and yet make the Duc liable to the penalty of death. Many drafts were made before they got one that they thought would do. According to the regular form the sentence ought to mention the exact law under which the accused was found guilty. The judges had an idea that there was some revolutionary law which condemned to death émigrés who had fought against their country, but they were quite ignorant of its exact wording or where to find it.³ To look it up would be a work

¹ Rémusat, *Mémoires*, I. 323; Savary also distinctly asserts (*Mémoires*, II. 399) that Hulin some years later, in exile at Brussels, when questioned about his conduct in the Enghien affair, said, "I only acted in consequence of the most severe instructions. The possibility that the Duc would demand an interview with the First Consul was foreseen and I was forbidden to allow such a demand to be presented to the government." The truth of the last part of this statement of Savary is doubtful.

² Hulin's *Explications*, p. 119.

³ The law they were thinking of was that of 25 Brumaire, An III., tit. 5, sect. I, art. 7, which provided that "émigrés who have borne arms against France shall be arrested, whether in France or in any hostile or conquered country, and judged within twenty-fours," etc. But the Duc was neither arrested in France nor within the precincts of any hostile or conquered country, but was seized by force illegally in a country in friendly relations with France, so that this law was not applicable to him. Even had he been arrested in a hostile country, it would have been unjust and ridiculous to sentence him to death on the ground of this law, for it had long been a dead letter; it was no longer looked upon as a crime to have fought against France from 1792 to 1799; the revolutionary war was a thing of the past; the great mass of émigrés had been amnestied; it was part of Bonaparte's wise policy to encourage exiles to return; and many of the old soldiers of Condé were now in the ranks of the French army or had become ornaments of the consular court.

of some difficulty and cause delay. It was necessary that the Duc should be found guilty and executed immediately, unless they wished to incur the displeasure of the First Consul. It would, therefore, be time enough, after the Duc was dead and buried, to consider under what law he had suffered, and to fill out the blanks accordingly. One would have thought civilized men could not be guilty of such an act, but here is the judgment to speak for itself:—"The prisoner was led out; the court having deliberated with closed doors, and the president having collected the votes of the members, beginning with the youngest and voting himself last, the prisoner was unanimously found guilty; and in accordance with article (*blank*) of the law (*blank*) to the following effect (*blank*), was condemned to suffer death. Ordered, that the judge-advocate see that the present sentence is executed immediately."¹ This was signed by the seven judges, though not by the clerk as it ought to have been.

Then, if we are to believe Hulin's statement, the judges were a little ashamed of the base piece of work they had done, and all agreed that Hulin should write a letter to Bonaparte, telling him of the Duc's request for an interview, and begging him "to remit a sentence which the rigor of our position did not allow us to avoid." At this moment Savary approached Hulin, and, seeing what he was doing, snatched away the pen, saying, "Your part is over; the rest belongs to me."²

The Duc was awaiting the decision of the court in the next room without fear and even without impatience, when Harel entered with a troubled face and motioned him to follow. After a few steps they emerged into the open court, and saw by the flickering light of torches that they were face to face with a squad of soldiers whom Savary had drawn up. An adjutant advanced and read the sentence to the Duc, who heard it with firmness and self-possession. He asked for a priest, but this was denied him. Ever thoughtful of her who was to mourn so much for him, he asked for a pair of scissors, cut off a lock of his hair, slipped off his ring, and gave them with a note to an officer, who promised to deliver them to the Princess de Rohan. The squad of soldiers advanced. The Duc begged them above all things not to miss their aim. He bent his head in prayer a moment and commended his soul to his Maker. He looked up again bravely into the mouths of the loaded muskets. An instant later the shots rang out and the innocent man fell dead, shot through the heart.

¹ Dupin's pamphlet in *Catastrophe du Duc d'Enghien*, 101; also in App. V. of Scott's *Life of Napoleon*.

² Hulin's *Explications*, p. 123; also Pasquier, I. 201.

A few steps away was a hole which had been dug in the ground the day before in accordance with Harel's orders; whether he intended it as a grave, knowing that the Duc would surely be shot, or whether it was merely to put some rubbish in, as was said twelve years later by the man who dug it, is uncertain.¹ Into this hole the Duc was pitched with all his clothes on, his feet higher than his head,² and the earth was thrown in again. The death and burial took place by torchlight between three and four o'clock in the morning.³ Thus the trial and execution were both in the dark and secrecy of night, and were marked by the same unseemly haste and cruel injustice that characterized all the First Consul's orders for the destruction of an unfortunate man whose crime, as Savary himself acknowledged, consisted in his being the Duc d'Enghien.

What was the account given to Paris of the proceedings of the court-martial? They were too disgraceful to be told; all that appeared in the *Moniteur* the next morning was a copy of the judgment supposed to have been rendered.⁴ This, however, was not the shameful sentence of death, full of blanks and irregularities, which was to be executed "*de suite*," and under which the Duc had really been sent to his death. For when Réal brought a copy of that outrageous document to Bonaparte, he saw that it would never do to make it public.⁵ Instead he took as a basis the questions that he had sent to Réal, and wrote out a new indictment and sentence, which differed wholly from the real judgment.⁶ This new copy, which was the one published in the *Moniteur*, accused the Duc on six different grounds and found him guilty on each. Several of these had absolutely no connection with the charge upon which the Duc had been arrested; the rest were unsupported by evidence, as

¹ Bourrienne (II. 269) asserts positively that Harel told him he had received orders the day before the execution to have a grave dug ready for the corpse.

² He was so found twelve years later, when his body was exhumed and given a decent burial in the chapel at Vincennes. The account of the exhumation and of the evidence taken at that time is given in *Catastrophe du Duc d'Enghien*, pp. 301-324.

³ This is proved by an extant letter from Hulín to a friend, quoted by Welschinger (p. 339). Ségur also relates that he met Dautancourt early that same morning at General Duroc's, whither both had gone to make their report, and heard him say, "He was shot in the moat at three o'clock in the morning." (Ségur, *Memoirs of an Aide-de-Camp*, p. 112.)

⁴ *Moniteur*, 1 Germinal (March 22, 1804).

⁵ "The official report of the judgment was presented to Napoleon the same day [March 21]. The perusal of this document was a subject of fresh grief to him. Legal forms had not been respected. The irregularities and omissions which he noticed in it caused him to order it to be rewritten." Méneval, I. 262.

⁶ Pasquier, I. 199; Dupin's pamphlet, pp. 82-85; Appendix to Scott's *Napoleon*; and in *Catastrophe du Duc d'Enghien*, p. 259, we read, "le jour même de l'exécution du Prince on en rédigea un autre jugement dans les bureaux de Réal. C'est celui-ci, et non l'original de la commission, qui fut affiché le lendemain."

for instance, the last, which we quote to show the falsity of the document with which Bonaparte wished to deceive the public: "The court declares the Duc d'Enghien . . . (6) unanimously, guilty of being one of the accomplices of the conspiracy carried on by the English against the life of the First Consul; and intending in the event of the success of such conspiracy to enter France."

After the execution was over and the judges had dispersed, Savary sent the troops back to their barracks, and started for Malmaison to tell his master what had been done. When he reached the barrier he saw Réal's carriage and stopped him to ask him where he was going. "To Vincennes," Réal replied; "I received last night orders to go there and interrogate the Duc d'Enghien." Savary told him what had taken place. Savary says he was as much astonished himself at what he heard from Réal as Réal was at what he heard from him. Réal's reflection, after a moment, was, "Le Premier Consul sera furieux." But Savary having undertaken to see Bonaparte first,¹ Réal turned his carriage around and followed at a little distance, fearful of the reception which he would meet.² Savary arrived at Malmaison, was at once ushered into the First Consul's study, and related in a few words what had been done.³ On hearing that the Duc had asked to see him, the First Consul interrupted him to ask what had become of Réal and whether he had not gone to Vincennes. Hearing that he had not, he remained silent, walking up and down his library with his hands crossed behind his back, till Réal appeared. After listening to the latter's explanation, he fell again into a reverie; then, without expressing a word either of approval or blame, he remarked, "It is well," and marched off upstairs, leaving Savary and Réal in surprise and doubt.

The night before the trial Bonaparte had written a letter to Réal, telling him to go at once to Vincennes and ask the Duc d'Enghien certain questions, of which the most important were:⁴

"1. Have you borne arms against your country?

"2. Have you been in the pay of England?

"4. Have you not had communication with the English and placed yourself at their disposal . . . , and have you not so far

¹ It is a significant fact that Savary did not show any concern at the consequences of his haste in the matter; he evidently knew that he had done what was expected of him.

² Pasquier, I. 195; Rovigo's *Extrait des Mém.*, in *Catastrophe du Duc d'Enghien*, p. 35.

³ Méneval was present and relates what passed. *Memoirs of Napoleon I.* (trans. by Sherard, London, 1894), I. 261-264.

⁴ *Corr. de Nap.*, 7639.

forgotten your natural feelings as to call the French your most cruel enemy?

"5. Have you not proposed to raise a legion and cause French troops to desert from the Republic, saying that your residence during two years near the frontier had put you in the way of communicating with the French troops on the Rhine?

"9. Were you not cognizant of a plot formed by the English for the overthrow of the government; and had the plot been successful would you not have entered Alsace and even gone to Paris, according to the circumstances?"

It seems probable that Bonaparte meant sincerely what he said in his letter, and intended that Réal should be present at the trial; and that it was owing to an accident that Réal was not there. The letter came to Réal's house about ten o'clock at night; there was still time to reach Vincennes before the trial, if he had hurried. But, tired out with overwork, he had gone to bed early; having been waked up twice already by unimportant messages, he had positively forbidden his servant to disturb him again before morning. When the letter from Bonaparte came, the servant, ignorant of its real importance, laid it on the table by his master's bed. Happening to wake up about four o'clock Réal saw the letter, dressed hastily, and started for Vincennes, but met Savary at the barrier, as mentioned above, when the affair was all over.¹

But although we admit that Bonaparte was acting sincerely when he wrote to Réal to go to Vincennes, it would be a great mistake to suppose that, in so doing, he intended to pardon the Duc afterwards, or even intended that Réal should in any way delay the sentence and execution so as to leave a chance for clemency open. For, as has been pointed out above, the First Consul's mind was made up from the first that the Duc must die; he felt sure that the court-martial would condemn him,² and he never at any time intended to thwart his own work by reversing the sentence of the court-martial and pardoning him;³ people would laugh at him and say that he was

¹ Méneval, I. 260.

² "The First Consul, whose mind was made up, had no doubt that the Duc would be condemned." Méneval, I. 260.

³ Napoleon himself declared, in answer to Sir G. Cockburn's inquiry whether there was any truth in the report that he had sent an order for the Duc's reprieve, but that it had unfortunately arrived too late: "It certainly was *not* true, for the Duc was condemned for having conspired against France, and I was determined from the first to let the law take its course respecting him, in order if possible to check the frequent conspiracies." *Bonaparte's Voyage to St. Helena, comprising the Diary of Rear-Admiral Cockburn*, p. 122 (Boston, 1833). We are inclined to believe that this diary contains much or all of the "unpublished memoranda" which Mr. G. Barnett Smith says have lately come into his possession and from which he gives three short extracts in the *Nineteenth*

afraid to put a Bourbon to death. No, Réal was not sent to Vincennes to act as a brake on the proceedings, but for the very opposite purpose. He was to show the judge-advocate his business and help him over any questions or difficulties that might arise unexpectedly; and he was to convince the other judges, by his greater knowledge of the affair and his experience in politics, that they must speedily find the accused guilty for the sake of the safety of the state. That this was Bonaparte's intention in sending Réal is further confirmed by the closing words of his letter: "You are to guide the public prosecutor and instruct him of the necessity of expediting the proceedings."¹ Réal's mission was not for the sake of clemency.

Did Bonaparte recognize afterwards that he had made a false step, and committed an unnecessary wrong? Undoubtedly, yes. When the fact of the Duc's innocence became more clearly established from the examination of his papers, from the other good reports of him that came from Baden after the execution, from the knowledge that Dumouriez had not left England, and from the circumstance that there were no hundreds of émigrés on the right bank of the Rhine, it would be doing injustice to Bonaparte's mental qualities to say that he still thought his own safety or that of the state had demanded such a victim.² He must, moreover, have seen that it had hurt him in the estimation of the French people; for the moral sense of the nineteenth century was different from that of the eighteenth, and the same men who a few years before had looked with consenting approval on the events of the Reign of Terror were now alarmed at the possibility of its renewal. They had hoped that in Bonaparte they had found a ruler who would secure internal peace and justice to France, and they feared that they were to be disappointed in this hope. Many of those nearest the First Consul had opposed his course from the outset, and did not hesitate to express their disapproval of the deed.³ The only remedy was arbitrary prohibition of all discussion and to this Bonaparte had recourse. It

Century, January, 1897, p. 142. The statement quoted above from Cockburn's diary is exactly confirmed by the diary of John R. Glover, Secretary to Rear-Admiral Cockburn, published in *Napoleon's Last Voyages* (London, 1895), p. 184.

¹ "Il sera nécessaire que vous conduisiez l'accusateur public, qui doit être le major de la gendarmerie d'élite, et que vous l'instruisiez de la suite rapide à donner à la procédure." *Corr. de Nap.*, 7639.

² See Bonaparte to Melzi, March 6, 1804, *Corr. de Nap.*, 7591.

³ For the gloom and disapproval which the Duc's death caused in France see Chateaubriand, *Mém. d'Outre-tombe*, II. 431-434, Bourrienne, II. 268, 272-279, and Doris, pp. 116-118. It is in striking contrast with the exuberant joy of the people of Paris two weeks before when Georges Cadoudal was captured and prevented from injuring the First Consul.

was clear that he was disappointed in the way in which France received the news ; he had intended to produce a result diametrically opposite—to fix the blame of the Duc's death on England and the Bourbons ;¹ instead the people of France laid the blame on him.

Outside of France the effect of the Duc's death was still worse. The news sent a shudder through all Europe ; the ruler of France, soon to make himself Emperor, was looked upon as little less than a murderer, with whom the other sovereigns could have nothing in common.² For the moment, to be sure, the rest of Europe was unable to take any steps to retaliate seriously upon the First Consul. The Czar of Russia showed his strong disapproval by putting his court into mourning and sending a note to the German Diet urging that the same action be taken on account of the recent violation of the territory of Baden. But he had to content himself for the present with breaking off diplomatic relations with France ; he could find no one on the continent to join with him in declaring war. Prussia remained neutral and her king silent. Austria withdrew her troops from Suabia in accordance with Talleyrand's demand, and sent a courier to Paris to say that "she could understand certain political necessities." Dynastic politics had therefore, for the moment, rendered the public expression of opinion impossible. But in the autumn Russia and Austria began to draw together against the common enemy. The European cabinets never forgot the reckless neglect of the rights secured by international law, which Bonaparte showed in the case of the Duc d'Enghien ; a man who had acted thus would do worse ; there could be no peace nor safety for Europe while he ruled in France ; he must be continually fought against till expelled. At this disapproval on the part of France and increased hatred from the rest of Europe, Bonaparte was mortified and angry ; he saw that he had made a mistake, he had put to death a man who was not guilty, and it had done him harm instead of good ; he was expressing his true thoughts when he dictated to Méneval the statement that the death of the Duc d'Enghien "hurt Napoleon in public opinion and politically was of no use to him."³ It was this same feeling of angry mortification at what he had done that led him to reproach Talleyrand so bitterly in 1809, and later

¹ Bonaparte expressly asserted that "the death of the Duc d'Enghien must be attributed to the Comte d'Artois, who directed and commanded from London the assassination of Napoleon." Méneval, I. 270.

² Gustavus Adolphus was only expressing the universal feeling when he sent back to the King of Prussia the Order of the Black Eagle, saying "he could not consent to be the brother-in-arms of the assassin of the Duc d'Enghien." Chateaubriand, *Mém. d'Outre-tombe*, II. 438 *seq.*

³ Méneval, I. 267.

at St. Helena to try to lay the blame of the Duc's death on him and his other overzealous advisers.¹

But at other times his pride and self-possession mastered his real feelings ; he would not admit that he had done a wrong which was of no use ; he must not let the people of France know that Napoleon Bonaparte had made a false step ; so he boldly and frequently declared in public that the Duc was guilty of sharing in the conspiracy against his life ; that he had him put to death for his own safety and that of the state. The law of nature, he said to Las Cases, justified him in taking measures for self-defense : " I was assailed on all sides by enemies whom the Bourbons had raised up against me. Threatened with air-guns, infernal machines, and treacherous plots of all kinds, I seized the occasion to strike terror even as far as London."² And, finally, on his death-bed at St. Helena, when a maladroit attendant read from an English review a scathing account of the Duc's murder, the dying man's pride and obstinate persistency in trying to make the deed seem less odious by declaring that it was a measure necessary to the safety of the state, gave him strength to rise from his bed, catch up his will, and insert, in a narrow space between the lines, a defiant justification which should stand forever before the world as his last word on the subject : " I had the Duc d'Enghien arrested and tried, because it was necessary to do so for the safety, the interests, and the honor of the French people, at a time when the Comte d'Artois openly admitted that he had sixty paid assassins in Paris. In like circumstances, I should do so again."³

In spite of these declarations, dictated by a feeling of pride and unwillingness to admit a mistake, there can be no doubt that the execution of the Duc d'Enghien was one of Bonaparte's greatest political mistakes and was one of many causes that led subsequently to his downfall.⁴ There is much truth in the remark that Fouché is reported to have made on this sad affair,—“ It was worse than a crime ; it was a blunder.”

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¹ Las Cases, VII. 310-337 ; see also in Pasquier, I. 211, an anecdote which shows the anger that was aroused in Napoleon when reminded of this blot on his character.

² Cf. also his statement to Admiral Cockburn, *supra*.

³ *Catastrophe du Duc d'Enghien*, 299.

⁴ Méneval (III. 474), who puts things in the most favorable light for Napoleon, in summing up the half-dozen most important causes of his overthrow, names first, the hatred of the European dynasties for the new régime in France ; second, England's command of the sea ; and third, " the condemnation of the Duc d'Enghien, a painful event, a fatal episode in Napoleon's reign, of which the enemies of our country, in their bad faith and animosity, did not fail to take advantage in their campaigns against France and her chief."